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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,197	01/23/2004	Kristopher M. Krohn	8108	8090

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EXAMINER

MAI, TRI M

ART UNIT

PAPER NUMBER

3727

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/764,197

Applicant(s)

KROHN, KRISTOPHER

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03/22/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the wheel rotatably secured to the back, the handle attach to the back and front of the enclosure must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Claims 7, 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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The recitation with respect to the wheels/handle being attach at least one of the various places renders the claim indefinite since the disclosure only show the wheels/handle being attach to only one place. See drawing objection.

3. Claims 1-5, 7-8, 10-15, 18-20, and 22-24 are rejected under 35 U.S.C 102(e) as being anticipated by Lovett (20030201292). Lovett '292 teaches an adjustable pocket affixed to the front of the enclosure and expandable from a closed position to an open position as claimed.

Regarding claim 4, 14, note the straps 20.

Regarding claim 23, note the collapsed position in Fig. 4, the expanded position in Fig. 6. It is noted of the sliding zipper would provide at least one intermediate configuration as claimed.

Regarding claims 5 and 24, the pocket at least a portion of the top edge attached to the enclosure via the seam on the two sides.

4. Claim 6 is rejected under 35 U.S.C 103(a) as being unpatentable Lovett '292 in view of Smith (6447114). It would have been obvious for one of ordinary skill in the art to provide quick release straps in Lovett '292 as taught by Smith to provide add security.

5. Claim 6, 7, 16, 17, and 21 are rejected under 35 U.S.C 103(a) as being unpatentable Lovett '292 in view of Lovett (20040011840) or Smith (6447114).

Regarding claim 6, it would have been obvious for one of ordinary skill in the art to provide quick release straps in Lovett '292 as taught by Lovett '840 to provide add security.

Regarding claims 7 and 9, it would have been obvious to one of ordinary skill in the art to provide a handle and wheels in Lovett '292 as taught by Lovett '840 to transport the luggage easily.

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6. Claims 1-3, 5-8, and 10-24 are rejected under 35 U.S.C 102(e) as being anticipated by Lovett (20040011840). Lovett teaches an adjustable pocket affixed to the front of the enclosure and expandable from a closed position to an open position as claimed.

Regarding claims 5 and 24, the pocket at least a portion of the top edge attached to the enclosure via the seam on the two sides

7. Claim 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lovett '840 in view of Lovett '292. It would have been obvious to one of ordinary skill in the art to provide a strap attach to the pocket in Lovett '840 as taught by '292 to provide added security.

8. Claim 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lovett '840 or the Lovett '292 combination in paragraph 5, and further in view of O'Shea et al. (5782325). It would have been obvious to one of ordinary skill in the art to provide a retractable handle with a handle seat on the top of the enclosure in Lovett '840 as taught by O'Shea to provide an alternative retractable handle.

9. Claims 1, 2, 4-6, 10, 11, 14, 18, 19, 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (6547114). Smith teaches an adjustable pocket affixed to the front of the enclosure and expandable from a closed position to an open position as claimed.

It is noted that the pocket 60 is flexible to be collapsible as claimed. There is no structure to distinguish the claims from the pocket 30 in Smith. Furthermore, it is adjustable by the strap 36. Furthermore, the strap 36 can be adjusted to collapse the pocket.

10. Claims 5 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Lovett '840 or Lovett '292 in view of Smith or Lovett (5405068). To the degree it is argued that either Lovett does not teach the top edge attached to the enclosure. Smith or Lovett '068 teaches

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that it is known in the art to provide a pocket with a top edge attached to the enclosure. It would have been obvious to one of ordinary skill in the art to have top edge attached to the enclosure in either Lovett '840 or Lovett '292 as taught by either Smith or Lovett (5405068) to provide an alternative type of pocket.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W Young can be reached on (571)272-4549. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai
Primary Examiner
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